PTO/SB/ 26 (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

In re Application of: Paul J. Berlowitz, et al.

Application No. 08/971,254

4 -----

Filed:

This application is a Continuation Prosecution Application under 37 C.F.R. § 1.53(d) of U.S. Serial

No. 08/971,254 filed November 17, 1997

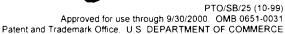
For: SYNTHETIC DIESEL FUEL AND PROCESS FOR ITS PRODUCTION

The owner*, ExxonMobil Research and Engineering Company (formerly Exxon Research and Engineering Company) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,766,274. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

| Check either box 1 or 2 below, if appropriate. | | |
|--|---|--|
| 1. For submissions on behalf of an organization agency, etc.), the undersigned is empowered | | |
| I hereby declare that all statements made he made on information and belief are believed to be tr knowledge that willful false statements and the like under Section 1001 of Title 18 of the United Si jeopardize the validity of the application or any pater | rue; and further that these statement so made are punishable by fine or in tates Code and that such willful for | s were made with the mprisonment, or both, |
| 2. X The undersigned is an attorney of record. | Signature | Date |
| | Jonathan N. Provoost Typed or printed name | |
| Charge Deposit Account No 05-1330 | .,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | |

Form PTO/SB/96 may be used for making this certification. See MPEP § 324



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

In re Application of: Paul J. Berlowitz, et al.

Application No. 08/971,254

Filed: This application is a Continuation Prosecution Application under 37 C.F.R. § 1.53(d) of U.S. Serial No.

08/971,254 filed November 17, 1997

For: SYNTHETIC DIESEL FUEL AND PROCESS FOR ITS PRODUCTION

The owner*, ExxonMobil Research and Engineering Company (formerly Exxon Research and Engineering Company) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending second Application Number 09/464,179 , filed on 16 December 1999 , the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent granted, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. X The undersigned is an attorney of record.

Signature

Date

Jonathan N. Provoost

Typed or printed name

tatement under a line sold of loss reduited it terminal it scalamer. Sis great by the issistance in 27 Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Charge Deposit Account No. 05.1330

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer. Patent and Trademark Office. Washington, DC 20231. DO NOT SEND FES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents.